

## SIXTEENTH DAY.

Senate Chamber,  
Austin, Tex., Friday, Feb. 16, 1900.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Miller.
Burns.	Morriss.
Dibrell.	Neal.
Goss.	Patterson.
Greer.	Potter.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Stone.
Johnson.	Terrell.
Kerr.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.

Absent.

Davidson.	Odell.
Gough.	Ross.
Lewis.	Yett.
Linn.	

Prayer by the Chaplain, Rev. Garrett.  
Pending the reading of the Journal of yesterday,

On motion of Senator Sebastian, the same was dispensed with.

## COMMITTEE REPORT.

Committee Room,  
Austin, Texas, February 16, 1900.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

Substitute House Bill No. 4, being a bill to be entitled "An Act to amend Article 5046, Chapter 1, Title CIV, of the Revised Civil Statutes of Texas, of 1895,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendment: "Amend the bill in line 12, page 1, by striking out the words 'fifteen cents' and insert in lieu thereof 'sixteen and two-thirds cents.'"

DIBRELL, Chairman.

Call concluded.

## REGULAR ORDER.

The Chair laid before the Senate, on third reading,

Senate bill No. 3, A bill to be entitled "An Act to fix the salaries of the Superintendents of the several insane asylums

of this State, and to make an additional appropriation therefor."

The bill was read a third time, and failed on final passage by the following vote:

Yeas—11.

Dibrell.	Potter.
Goss.	Sebastian.
Greer.	Stafford.
James.	Turney.
McGee.	Wayland.
Morriss.	

Nays—12.

Atlee.	Lloyd.
Burns.	Neal.
Grinnan.	Patterson.
Hanger.	Stone.
Johnson.	Terrell.
Kerr.	Yantis.

Absent.

Davidson.	Odell.
Gough.	Ross.
Lewis.	Yett.
Linn.	

Present—Not voting.

Miller.

## REASONS FOR VOTE.

"MR. PRESIDENT: We vote 'no' on Senate bill No. 3, which provides for increased compensation of the superintendents of the several insane asylums during their present terms of office. Our objections are based upon the statutory provision which provides that 'salaries of officers shall not be increased or diminished during the terms of office for which they may be appointed.'"

"There is further objection to the measure in Article 3, Section 44, which provides in general terms, that no additional grant shall be made to officers, agents or contractors for services performed.

"We believe that said superintendents are inadequately paid and personally would be glad to increase and if necessary make a larger appropriation than carried in pending bill. We regret that duty under the law, as we understand it, leaves no discretion but to record our votes against the bill. Our fondness for the author (Senator Morriss) makes it a matter of personal regret not to be recorded in harmony with his views.

"NEAL,  
"BURNS."

Senator Terrell moved to reconsider the vote by which the bill failed to pass, and to lay that motion on the table.

The motion to table the motion to reconsider was lost by the following vote:

## Yeas—11.

Atlee.	Lloyd.
Burns.	Neal.
Grinnan.	Patterson.
Hanger.	Terrell.
Johnson.	Yantis.
Kerr.	

## Nays—12.

Goss.	Potter.
Greer.	Sebastian.
James.	Stafford.
McGee.	Stone.
Miller.	Turney.
Morriss.	Wayland.

## Absent.

Davidson.	Odell.
Gough.	Ross.
Lewis.	Yett.
Linn.	

Pending action on the motion to reconsider,

On motion of Senator Turney pending business was suspended to take up, on second reading,

Senate bill No. 10, A bill to be entitled "An Act authorizing the sale of certain portions of the public free school, University and asylum lands to railroad companies owning and operating railways in this State, for the establishment of depots, stations, yards, round houses, shops, divisional terminals or water stations required in connection with the operation of such railroads; to prescribe the terms and conditions of such sales, and to authorize the Commissioner of the General Land Office to fix the price of such lands when so sold for such purposes."

The bill was read a second time.

By Senator Potter:

"Amend by striking out all of Section 3 after the figure '3,' in line 17, page 2, of printed bill, and inserting instead thereof the following: 'No railroad company shall be permitted to purchase, nor shall there be sold to any railroad company, nor to any person for the benefit of any railway company, under the provisions of this act, any tract of land including more land than actually needed by such railway company for right of way, depots, sidings, switches, terminals, round houses, shops and such other improvements or buildings actually necessary for the proper operation of said railway, and any railway company desiring to make purchase of any such lands shall furnish the Commissioner of the General Land Office with a plat and map, together with the field notes of the land so desired, which shall be accompanied by such affidavits of purpose of

use as provided in this act or required by such Commissioner.'"

Adopted.

(Senator Sebastian in the chair.)

By Senator Terrell:

"Amend by adding to Section 5 the following: 'Whenever any land is sold to railway companies for the purposes mentioned in this act, and shall be used for any other purposes than those mentioned in this act, then such land shall revert back to the State.'"

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Miller, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

## Yeas—25.

Atlee.	Morriss.
Burns.	Neal.
Goss.	Odell.
Greer.	Patterson.
Grinnan.	Potter.
Hanger.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Lewis.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.
Miller.	

## Absent.

Davidson.	Linn.
Dibrell.	Ross.
Gough.	Yett.

The bill was read a third time, and passed by the following vote:

## Yeas—26.

Atlee.	Miller.
Burns.	Morriss.
Dibrell.	Neal.
Goss.	Odell.
Greer.	Patterson.
Grinnan.	Potter.
Hanger.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Lewis.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.

## Absent.

Davidson.	Ross.
Gough.	Yett.
Linn.	

Senator Turney moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Carried.

## RESOLUTION.

By unanimous consent the following resolution was offered.

By Senator Miller:

Resolved, That Hon. Frank P. Holland, a distinguished citizen of Dallas, be extended the courtesies of the floor of the Senate.

Adopted.

## EXECUTIVE MESSAGE.

The following message from the Governor was received:

*To the Legislature:*

I submit for consideration the following amendment to Article 418, of the Revised Civil Statutes of Texas, as follows:

Article 418. To provide, or cause to be provided, the city with water, to make, to regulate and establish public wells, pumps and cisterns, hydrants and reservoirs, in the streets or elsewhere, within said city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water. Provided that any city owning, or that may hereafter own, its water system and plant, shall not lease or sell the same without first submitting the question of such proposed lease or sale to a vote of the qualified voters who are property taxpayers of such city as shown by the last preceding tax rolls, such election to be held after the substance and terms of such proposed contract of lease or sale shall have been published once each week for two consecutive weeks in some newspaper published in such city. When the result of such election shall have been declared, the city council of such city shall immediately carry into effect the will of the people so expressed, but as to the details of such contract and provisions deemed necessary to protect the interest of such city, not inconsistent with the terms submitted to the people, the city council shall exercise its own discretion.

JOSEPH D. SAYERS,  
Governor.

## BILL NO. 20.

By unanimous consent the following bill was introduced:

By Senator Grinnan:

Senate bill No. 20, A bill to be entitled "An Act to amend Article 418, of the Revised Civil Statutes of the State of Texas, relating to providing water for cities."

Read first time and referred to the Committee on Towns and City Corporations.

## REGULAR ORDER SUSPENDED.

On motion of Senator Atlee, the regular order of business was suspended, to take up, on second reading,

Senate bill No. 12, A bill to be entitled "An Act to define libel as the foundation for a civil action for damages," action being on the following substitute by Senator Lewis:

S. S. B. No. 12.]

[By Lewis.

## A BILL

## TO BE ENTITLED

"AN ACT to define libel and privileged communications and publications, and to more effectually secure the liberty of the press, and prevent abuses in exercising such liberty of the press."

Be it enacted by the Legislature of the State of Texas:

Section 1. Libel, in order to be the basis of a civil action for damages, is a false, willful, malicious or wanton defamation, statement or publication expressed by writing, printing, pictures, drawings, signs or other representations tending to blacken the memory of one who is dead, or to impeach the honesty, integrity, virtue or reputation, or to publish the natural defects of one who is alive, and thereby to expose such person to public hatred, contempt, ridicule or financial injury.

Sec. 2. In all actions for libel, the truth, when published in good faith and for justifiable ends, and without any desire or intention to injure, and without malice, shall constitute a sufficient defence. The truth of any such libel may be established by a preponderance of evidence and malice may be inferred from the fact of publication, unless the truth is so proven.

Sec. 3. The following communications and publications shall be deemed privileged, and shall not be made the basis of any action for libel without proof of malice, if made for justifiable ends and without intent or desire to injure:

(1) Statements made in the proper discharge of a public or official duty.

(2) Statements made in any legislative or judicial proceedings, or in any other official proceedings authorized by law.

(3) A fair and true report of any judicial, legislative, or other official proceedings, or of anything said or done in the course thereof.

(4) Statements made in a letter or other private communications to a person interested therein by one who is also interested, or by one who stands in such a relation to the person interested as to

afford a reasonable ground for supposing the motive for such communication innocent, or who is requested by the person interested to give the information.

(5) Reasonable and fair comment and criticism upon matters of public concern and the official acts of public officials, the publication of which is for the public benefit.

(6) A fair and true report of public meetings; provided, any statement by one citizen libeling another shall not be published, unless such statement is pertinent to the purposes of such public meeting.

Sec. 4. If it shall appear upon the trial of any action for damages for libel that the attention of the publisher of such libel was called to such publication, and that such publication was made in good faith and for justifiable ends and without any intention or desire to injure and its falsity was due to mistake, or that there were reasonable grounds for believing such statement so published to be true, and that within a reasonable time after the attention of such publisher was so called to said false statement, a full and fair correction or retraction was published in the same edition or corresponding issues of the newspaper or periodical in which said article appeared, and in as conspicuous a place and type as was said original article, then the plaintiff in such case shall recover only such actual damages as he may prove to have sustained. Provided, however, that the foregoing provisions of this section shall not apply to any libel against a candidate for public office in this State, unless the correction or retraction be made in the manner aforesaid at least ten days before the election.

Sec. 5. On the trial of any action for libel the defendant may give in evidence, under proper pleadings, in mitigation of damages the circumstances and intention under which such publication was made, and any public apology, correction or retraction of the libel complained of, made and published before suit is brought.

Sec. 6. This act regulates civil actions for damages, and is not intended in any manner to affect the law relating to criminal libel.

Sec. 7. The fact that there is now no adequate law upon this subject, and the near approach to the close of the present session, create an emergency and an imperative public necessity which authorizes the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is so suspended, and that this act take effect from and after its passage, and it is so enacted.

(Lieutenant-Governor Browning is the chair.)

The substitute was lost by the following vote:

Yeas—5.

Dibrell.	Sebastian.
Lewis.	Stafford.
Patterson.	

Nays—20.

Atlee.	Miller.
Burns.	Morriss.
Goss.	Neal.
Greer.	Odell.
Grinnan.	Potter.
Hanger.	Stone.
James.	Terrell.
Kerr.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.

Absent.

Davidson.	Linn.
Gough.	Ross.
Johnson.	Yett.

(Senator James in the chair.)

By Senator Terrell:

"Amend by striking out in Section 2, all after the word 'ends,' in line 19."

Adopted.

By Senator McGee:

"Amend by striking out all after the word 'injure,' in line 13, page 1, and insert 'and does injure such person in any way.'"

Lost.

By Senator Hanger:

"Amend by striking out of Section 3 the words 'or excuse.'"

Adopted.

By Senator Goss:

"Amend by inserting after the word 'is,' in line 13, Section 1, the word 'feelings.'"

Adopted.

By Senator Potter:

"Amend Section 1 by adding after the word 'ridicule' the following: 'Humiliation.'"

Adopted.

By Senator Morriss:

"Amend by adding after Section 2, as amended: 'Provided, that nothing in this act shall be so construed as to prevent the recovery of damages for a publication of any matter, whether true or false, that may affect the character for chastity of any female.'"

Adopted.

Senator McGee moved to postpone further consideration of the bill indefinitely.

Lost by the following vote:

Yeas—4.

Johnson.	McGee.
Lloyd.	Yantis.

## Nays—18.

Atlee.	Miller.
Burns.	Morriss.
Dibrell.	Odell.
Goss.	Patterson.
Greer.	Potter.
Grinnan.	Sebastian.
Hanger.	Stone.
James.	Turney.
Kerr.	Wayland.

## Absent.

Davidson.	Neal.
Gough.	Ross.
Lewis.	Stafford.
Linn.	Yett.

## Present—Not voting.

Terrell.

By Senator Terrell:

"Amend by adding after Section 2 the following: 'This act regulates civil actions for damages and is not intended in any manner to effect the law relating to criminal libel.'"

Adopted.

Senator Atlee moved the previous question on the engrossment of the bill as amended, which was duly seconded, and prevailed.

The bill was then ordered engrossed by the following vote:

## Yeas—23.

Atlee.	Morriss.
Burns.	Neal.
Dibrell.	Odell.
Goss.	Patterson.
Greer.	Potter.
Grinnan.	Sebastian.
Hanger.	Stone.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Lewis.	Yantis.
Miller.	

## Nays—2.

Lloyd. McGee.

## Absent.

Davidson.	Ross.
Gough.	Stafford.
Linn.	Yett.

On motion of Senator Atlee, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

## Yeas—24.

Atlee.	Greer.
Burns.	Grinnan.
Dibrell.	Hanger.
Goss.	James.

Johnson.	Patterson.
Kerr.	Potter.
Lewis.	Sebastian.
Lloyd.	Stone.
Miller.	Terrell.
Morriss.	Turney.
Neal.	Wayland.
Odell.	Yantis.

## Nays—1.

McGee.

## Absent.

Davidson.	Ross.
Gough.	Stafford.
Linn.	Yett.

The bill was read a third time, and passed by the following vote:

## Yeas—23.

Atlee.	Miller.
Burns.	Morriss.
Dibrell.	Odell.
Goss.	Patterson.
Greer.	Potter.
Grinnan.	Sebastian.
Hanger.	Stone.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Lewis.	Yantis.
Lloyd.	

## Nays—1.

McGee.

## Absent.

Davidson.	Ross.
Gough.	Stafford.
Linn.	Yett.
Neal.	

Senator Atlee moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Carried.

## REGULAR ORDER SUSPENDED.

Senator Dibrell moved that the rule requiring bills to lay on the table for one day after being reported be suspended, and that the regular order of business be suspended to take up, on second reading,

House bill No. 4, A bill to be entitled "An Act to amend Article 5046, Chapter 1, Title CIV, of the Revised Civil Statutes of the State of Texas."

Carried.

The bill was read a second time, with the following committee amendment:

"Amend the bill in line 12, page 1, by striking out the words 'fifteen cents,' and insert in lieu thereof 'sixteen and two-thirds cents.'"

Committee amendment adopted.

The bill was passed to a third reading.

On motion of Senator Dibrell, the constitutional rule requiring bills to be read

on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

## Yeas—24.

Atlee.	Miller.
Burns.	Morriss.
Dibrell.	Neal.
Greer.	Odell.
Grinnan.	Patterson.
Hanger.	Potter.
James.	Sebastian.
Johnson.	Stone.
Kerr.	Terrell.
Lewis.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.

## Nays—1.

Goss.

## Absent.

Davidson.	Ross.
Gough.	Stafford.
Linn.	Yett.

The bill was read a third time.

By Senator Turney:

"Amend the caption of the bill by adding the following: 'Relating to the subject of taxation.'"

Adopted.

The bill was then passed by the following vote:

## Yeas—26.

Atlee.	Miller.
Burns.	Morriss.
Dibrell.	Neal.
Goss.	Odell.
Greer.	Patterson.
Grinnan.	Potter.
Hanger.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Lewis.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.

## Absent.

Davidson.	Ross.
Gough.	Yett.
Linn.	

Senator Dibrell moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Carried.

On motion of Senator Terrell, the regular order of business was further suspended to take up, on second reading,

Senate bill No. 13, A bill to be entitled "An Act to amend Article 3964, of the Revised Civil Statutes of 1895, as amended by the Twenty-fifth Legislature, and providing for the taking of the scholastic census biennially."

The bill was read a second time, with favorable majority and adverse minority committee reports.

By unanimous consent the adverse minority report was withdrawn by Senator Hanger.

The bill was ordered engrossed.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

## Yeas—26.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Neal.
Goss.	Odell.
Greer.	Patterson.
Grinnan.	Potter.
Hanger.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Lewis.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.

## Absent.

Dibrell.	Ross.
Gough.	Yett.
Linn.	

Senator Goss called attention to the fact that the emergency clause of the bill was imperfect.

Senator Terrell moved to reconsider the vote by which the constitutional rule was suspended.

Reconsidered.

Senator Terrell then moved to reconsider the vote by which the bill was ordered engrossed.

Reconsidered.

Pending action on the engrossment of the bill,

Senator Terrell offered the following amendment:

"Amend by striking out Section 3 and add the following:

"Sec. 3. The importance of the enactment of this Act, and the near approach to the close of the present session, create an emergency and imperative necessity for the suspension of the constitutional rule requiring bills to be read on three several days, therefore such rule is hereby suspended, and this act shall go into effect from and after its passage, and it is so enacted.'"

Adopted.

The bill was then ordered engrossed.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

## Yeas—24.

Atlee.	Miller.
Burns.	Morriss.
Dibrell.	Neal.
Goss.	Odell.
Greer.	Potter.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Stone.
Kerr.	Terrell.
Lewis.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.

## Absent.

Davidson.	Patterson.
Gough.	Ross.
Johnson.	Yett.
Linn.	

The bill was read a third time, and passed by the following vote:

## Yeas—23.

Atlee.	Morriss.
Burns.	Neal.
Dibrell.	Odell.
Goss.	Potter.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Stone.
James.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Lloyd.	Yantis.
McGee.	

## Absent.

Davidson.	Miller.
Gough.	Patterson.
Johnson.	Ross.
Linn.	Yett.

Senator Terrell moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Carried.

## EXCUSED.

On motion of Senator Atlee, Senator McGee was excused indefinitely on account of sickness in his family.

On motion of Senator Lewis, the regular order of business was suspended to take up, on its third reading,

Senate bill No. 18, A bill to be entitled "An Act to amend Sections 43 and 45 of an Act incorporating the city of San Antonio, approved August 13, 1870, and of all acts amendatory thereof."

The bill was read a third time.

By Senator Lewis:

"Amend by adding to the bill after line 21, on page 2, the following: 'The near approach of the close of the present session of the Legislature and the import-

ance of the proposed amendments to the city charter of the city of San Antonio create an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.'"

Adopted.

The bill was then passed by the following vote:

## Yeas—23.

Atlee.	Morriss.
Burns.	Neal.
Dibrell.	Odell.
Goss.	Potter.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Stone.
James.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Lloyd.	Yantis.
Miller.	

## Absent.

Davidson.	Patterson.
Gough.	Ross.
Johnson.	Yett.
Linn.	

## Absent—Excused.

McGee.

Senator Lewis moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Carried.

On motion of Senator Wayland, the regular order of business was suspended to take up, on its second reading,

Senate bill No. 15, A bill to be entitled "An Act to amend Articles 3862 and 3866, Revised Civil Statutes, and an Act of the Twenty-sixth Legislature, Regular Session, page 21, General Laws, amendatory of said articles, relating to the government of the Agricultural and Mechanical College of Texas, and to repeal all laws in conflict with this act."

The bill was read a second time.

By Senators Lewis and Hanger:

"Amend by adding to Article 3866 the following, 'such expense account to be approved by the Governor and to be paid as provided by law.'"

Adopted.

By Senator Terrell:

"Amend by striking out the following words, Article 3862, lines 24 and 25, 'or in transaction of any business of the college imposed by said board.'"

Adopted.

The bill as amended was ordered engrossed.

## COMMITTEE REPORTS.

By unanimous consent the following committee reports were made:

Committee Room,  
Austin, Texas, February 16, 1900.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Towns and City Corporations to whom was referred Senate bill No. 20, being a bill to be entitled "An Act to amend Article 418 of the Revised Civil Statutes of the State of Texas, relating to providing water for cities,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Floor report—Miller, Hanger, James, Burns, Dibrell and Greer.

MILLER, Chairman.

Committee Room,  
Austin, Texas, February 15, 1900.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 18, being "An Act to amend Sections 43 and 45 of an Act incorporating the city of San Antonio, approved August 13, 1870, and of all acts amendatory thereof,"

And find the same correctly engrossed.

JAMES, Chairman.

On motion of Senator Sebastian, the Senate took a recess until 3 p. m. today.

## AFTER RECESS.

The Senate was called to order at 3 p. m. by Lieutenant-Governor Browning.

## REGULAR ORDER.

The Chair laid before the Senate on second reading,

Senate bill No. 17, A bill to be entitled "An Act extending for twenty years the payment of the principal of the purchase money for lands purchased under the Act of the Legislature herein named."

(NOTE.—Being an Act amending Sections 1, 2, 3, 4, 5, 6, 7 and 8 of an Act providing for the sale of alternate sections of land set apart for the benefit of the common school fund, and for the investment of the proceeds of such sales, approved July 8, 1879, and the Act of April 6, 1881.)

The bill was read a second time.

By Senator Grinnan:

"Amend by adding after Section 3, the following:

"Sec. 4. The fact that the purchase money for sales named in this act are maturing, and the extension of said debts will be of great benefit and profit to the public school fund, and the near approach of the close of the present session of the Legislature, and the crowded condition of the calendar, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

Adopted.

The bill, as amended, was ordered engrossed.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—19.

Atlee.	Lewis.
Burns.	Linn.
Dibrell.	Miller.
Goss.	Morris.
Greer.	Neal.
Grinnan.	Sebastian.
Hanger.	Stone.
James.	Turney.
Johnson.	Wayland.
Kerr.	

Nays—3.

Lloyd.	Terrell.
Potter.	

Absent.

Davidson.	Ross.
Gough.	Stafford.
Odell.	Yantis.
Patterson.	Yett.

Absent—Excused.

McGee.

The Chair laid before the Senate, on second reading,

Senate bill No. 19, A bill to be entitled "An Act to dedicate the north half of block one hundred and twenty-four (124) in the city of Austin, as a site for the establishment of a public library for the people of the State, and to constitute the city of Austin a trustee to erect thereon a library building, and to supply, maintain and control such public library."

The bill was read a second time, with favorable majority and adverse minority committee reports.



On motion of Senator Hanger, further consideration of the bill was postponed until Monday next, February 19.

The Chair laid before the Senate, on second reading,

Senate bill No. 11, A bill to be entitled "An Act to provide a uniform method of electing trustees in independent school districts, defining the duties of such trustees, and repealing Act of March 30, 1899, and also Articles 4001, 4017, 4007, 4008, 4009, 4010 and 4012, Revised Statutes, and all other laws, both general and special, in conflict with the provisions of this act, and providing an emergency."

The bill was read a second time.

Pending further action, on motion of Senator Goss, the bill was laid on the table subject to call.

(House bill No. 19, on the above subject, and very similar in terms, had been passed by the House, reported to the Senate, and reported favorably by the Senate Committee on Education.)

#### PRIVILEGED COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, February 16, 1900.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 9, being "An Act to be entitled 'An Act authorizing the Railroad Commission of the State of Texas to investigate into the running and operating by any railroad in this State of more than one working locomotive in any one train at the same time, and to authorize them to regulate or forbid such practice either on all or a part of such railroad, and to prescribe a penalty for the violation of the Commission's order, and to define an abuse, and to provide that railway employees shall not be held to assume the risk when engaged in the operation of trains propelled by more than one engine,'"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,  
Austin, Texas, February 16, 1900.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 10, being "An Act authorizing the sale of certain portions of the public free school, University and

asylum lands to railroad companies owning and operating railways in this State, for the establishment of depots, stations, yards, round houses, shops, divisional terminals or water stations, required in connection with the operation of such railroads; to prescribe the terms and conditions of such sales and to authorize the Commissioner of the General Land Office to fix the price of such lands, when so sold for such purposes,"

And find the same correctly engrossed.

JAMES, Chairman.

There being no other business before the Senate,

On motion of Senator Wayland, a recess of 30 minutes was taken.

#### AFTER RECESS.

#### PRIVILEGED COMMITTEE REPORT.

The following committee report was read:

Committee Room,  
Austin, Texas, February 16, 1900.  
*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 12, being "An Act to define libel as the foundation for a civil action for damages,"

And find the same correctly engrossed.

JAMES, Chairman.

On motion of Senator Morriss, the Senate took a recess until 10 a. m. tomorrow.

#### SIXTEENTH DAY—CONTINUED.

#### AFTER RECESS.

Austin, Texas, February 17, 1900.  
The Senate was called to order at 10 a. m. by Lieutenant-Governor Browning.

#### REGULAR ORDER.

The Chair laid before the Senate, on second reading,

House bill No. 19, A bill to be entitled "An Act to provide a uniform method of selecting trustees in independent school districts, defining the duties of such trustees, the time and manner of election, also the appointment of trustees by the city council under certain conditions, validating the acts of trustees heretofore elected or appointed, and continuing such trustees in office until their successors are legally chosen and qualified, repealing Act of March 30, 1899, Chapter LI,